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APPLICATION	NO. F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/076,417	10/076,417 02/19		2002 Takuya Tanaka	TANAKA-111	9295	
1444	7590	06/01/2004		EXAMINER		
BROW	BROWDY AND NEIMARK, P.L.L.C.			JACKSON, MONIQUE R		
624 NIN	TH STREET,	NW				
SUITE 3	800			ART UNIT	PAPER NUMBER	
WASHE	WASHINGTON DC 20001-5303			1773		

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
Advisory Action	10/076,417	TANAKA ET AL.					
riavion, riodon	Examiner	Art Unit					
	Monique R Jackson	1773					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
THE REPLY FILED 12 May 2004 FAILS TO PLACE THIS Therefore, further action by the applicant is required to average final rejection under 37 CFR 1.113 may only be either: (1) condition for allowance; (2) a timely filed Notice of Appeal Examination (RCE) in compliance with 37 CFR 1.114.	oid abandonment of this applica a timely filed amendment which	ation. A proper reply n places the applica	y to a Ition in				
PERIOD FOR RE	EPLY [check either a) or b)]						
a) The period for reply expires 3_months from the mailing d b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The	Advisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing FILED WITHIN TWO MONTHS OF TH date on which the petition under 37 CFI	g date of the final rejection E FINAL REJECTION. R 1.136(a) and the appro	on. See MPEP opriate extension				
fee have been filed is the date for purposes of determining the period of fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the (2) as set forth in (b) above, if checked. Any reply received by the Office timely filed, may reduce any earned patent term adjustment. See 37 C	the shortened statutory period for reply one later than three months after the mail FR 1.704(b).	originally set in the final ing date of the final rejec	Office action: or				
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.							
2. The proposed amendment(s) will not be entered be	ecause:						
(a) they raise new issues that would require further	er consideration and/or search (s	see NOTE below);					
(b) ☐ they raise the issue of new matter (see Note below);							
(c) they are not deemed to place the application ir issues for appeal; and/or	n better form for appeal by mate	rially reducing or sin	nplifying the				
(d) they present additional claims without canceling	ng a corresponding number of fi	nally rejected claims	s.				
NOTE:							
3. Applicant's reply has overcome the following reject							
4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s).	be allowable if submitted in a se	parate, timely filed	amendment				
5. ☑ The a) ☐ affidavit, b) ☐ exhibit, or c) ☑ request for application in condition for allowance because: see		dered but does NO	Γ place the				
6. The affidavit or exhibit will NOT be considered becaraised by the Examiner in the final rejection.	ause it is not directed SOLELY to	o issues which were	newly				
7. For purposes of Appeal, the proposed amendments explanation of how the new or amended claims we	(s) a) will not be entered or b) ould be rejected is provided belo	⊠ will be entered a w or appended.	nd an				
The status of the claim(s) is (or will be) as follows:							
Claim(s) allowed: None.							
Claim(s) objected to: None.							
Claim(s) rejected: 2,4,5,7,9,11,12,14 and 18.							
Claim(s) withdrawn from consideration: None.							
8. The drawing correction filed on is a) appr	oved or b) disapproved by the	ne Examiner.					
9. Note the attached Information Disclosure Statemen	t(s)(PTO-1449) Paper No(s)						
10. Other:							

ADVISORY ACTION

Continuation of Item No. 5. NOTE: The Applicant's arguments filed 5/27/04 have been considered but are not persuasive. The Examiner would first like to note that Kamiya et al teach the use of polyimides resins including polyamide-imide resins and hence still reads upon the instant invention though "polyimide" has been deleted from the claims. The Applicant first argues that Kamiya et al d not teach a bonding layer comprising a thermosetting resin so that a bonding force is improved between the bearing alloy layer and the resin surface layer, however, the Examiner first notes that the feature upon which the applicant relies (i.e. "a bonding force is improved...") is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, the Examiner notes that, as previously recited, Kamiya et al specifically teach that an intermediate bonding layer may be first applied to the roughened surface and also teach that the resin surface layer may be formed by two separate layers and hence the layer between the outer surface layer and the metal would be a "bonding" layer wherein the resin surface layer may comprise polyimides including polyamide-imide as in the instantly claimed bonding layer.

With regards to the secondary references, the applicant appears to argue the references separately. In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the instant case, Kamiya et al

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teach a sliding bearing as instantly claimed wherein the resin may be polyimide resins such as polyamide-imide or modified polyimides, but do not teach that the resin comprises polybenzimidazole as instantly claimed. However, as previously stated by the Examiner and supported by the secondary references, polybenzimidazole is a known functional equivalent in the art to the polyimide resins, including polyamide-imide resin, taught by Kamiya et al, particularly for the surface layer of a bearing, and would have been obvious to one having ordinary skill in the art at the time of the invention wherein the secondary references provide further motivation for one skilled in the art to utilize polybenzimidazole as instantly claimed. Therefore, in the absence of a showing of unexpected results, the Examiner maintains her position that the instant invention would have been obvious to one having ordinary skill in the art at the time of the invention given the reasonable expectation of success.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 571-272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Monique R. Jackson

Primary Examiner Technology Center 1700

May 27, 2004